




PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	05/24/07	AGENDA REQUEST NO:	V-A
INITIATED BY:	SABINE SOMERS-KUENZEL, AICP	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	SABINE SOMERS-KUENZEL, AICP	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	TRACT 3 GENERAL PLAN POSSIBLE CONSIDERATION AND ACTION		
EXHIBITS:	ANALYSIS; EXCERPTS FROM THE LAND USE PLAN MAP AND CHAPTER TEXT; DRAFT GENERAL PLAN; DRAFT OPEN SPACE PLAN		
CLEARANCES		APPROVAL	
LEGAL:	N/A	DIRECTOR OF PLANNING:	SABINE SOMERS-KUENZEL, AICP 
RECOMMENDED ACTION			
<p>The proposed General Plan is generally consistent with the land use pattern reflected on the City's Land Use Plan. Areas for interpretation include:</p> <p>1) Highway 6 frontage: The light industrial – office/business park area proposed along the SH 6 frontage is less than the proportion of this same land use reflected on the City's Plan. The result is a relative reduction of business acreage by approximately 25%. Additionally, the southern portion of this area lacks depth for substantial development, further reducing the area. The developability of the remaining acreage will be reduced as well when the tracts are developed – the developers' drainage plan provides regional detention for the residential tracts but leaves the commercial tracts to provide site-by-site detention.</p> <p>The Developer proposes flexibility in the light industrial/office/business park area, requesting that a maximum of 85 non-first floor residential units be allowed on the 31 acre BUS/RES tract. The Land Use Plan did not reflect any residential uses along the Highway 6 frontage because residential was considered to be neither compatible with nor supportive of the regional airport. Also, while general land use concepts can be considered as part of a general plan, approval cannot amount to zoning regulations that grant land use and density rights. The request for 85 residential units conveys what the developer intends to bring forward with the pending PD, but is beyond the scope of the current process</p>			

and should be removed from the graphic and from formal consideration. The number of residential uses, if any, and any associated development regulations, will be determined in the future with the PD request(s).

This area on the draft General Plan represents a compromise between the Developer's previous proposals and the Land Use Plan.

2) *Single family residential uses:* The proposed General Plan provides for more overall residential density than is reflected in the City's Land Use Plan. The proposed General Plan decreases the amount of conventional single family and increases the "TN" higher density single family acreage.

This change could be justified if the developer can demonstrate a superior product for the TN area through the pending PD process.

3) *Greenways/Open space:* The proposed residential area north of Oyster Creek is reflected as Parks/Open/Buffers on the Land Use Plan. The green shown on the Land Use Plan was intended to reflect three goals: 1) development that would incorporate Oyster Creek and the assumed wetlands as amenities, 2) landscaped areas to transition between differing land uses and 3) assumptions for mitigating drainage and floodplain issues. The proposed street pattern further opens up water amenities and open space to public views and access.

The General Plan provides adequate parkland dedication areas, and in fact provides roughly 25% more greenspace than was assumed necessary in the Land Use Plan to achieve open space goals. .

The Commission should consider the above factors in determining if the proposed General Plan is in substantial compliance with the Land Use Plan, and provides for acceptable land uses in the area. Pending the Commission's findings on these points, we recommend the Commission's positive recommendation with the following conditions:

- 1) All future development occur pursuant to an approved Planned Development District (PD) final development plan (with the exception of the 25.7 acre retail tract at the corner of Voss and Highway 6). This General Plan does not constitute zoning and therefore does not determine land uses or development regulations. References to specific land uses, densities, and development regulations are for analysis of the General Plan and will be established through the PD ordinance. The pending zoning (PD) process should address the following:
 - A) Clarification regarding the buffer areas adjacent to the residential areas – minimum 100' buffer area containing a landscaped area, height restrictions the same as those in the adjoining single family districts, and compatible land use restrictions
 - B) Setback restrictions south of the Mayfield Park expansion property line
 - C) Determination of whether residential uses would be permitted within the tracts shown as BUS fronting Highway 6, and clarification of appropriate distance separation from the Sugar Land Regional Airport for those residential units
 - D) Establishing minimum ratios of residential/non-residential development in areas that allow mixed uses
- 2) Access and utilities be provided to the northern wetlands/floodplain area through future development processes
- 3) Clarification in the total acreage in the legend of the remaining Imperial property into the boundary of the General Plan
- 4) Future changes to the drainage plans to incorporate the latest floodplain and floodway data and

mitigation to meet City flood regulations

- 5) Expansion of the Ulrich right-of-way from 80' to 105' from 90A to the new Ulrich extension

EXECUTIVE SUMMARY

On April 10, 2007 Cherokee had the opportunity to introduce their development concepts to the Commission for the Tract 3 property. The Commission provided initial feedback regarding the project as well. Several people provided initial input during the public comment item at the beginning of the meeting. On April 26, 2007, the Commission held a public hearing and heard from a few surrounding property owners, as well as Ms. Mary Von Tungeln, representing a community group of neighboring property owners in the vicinity of the property.

General Plans are the first step in the subdivision platting process, and are addressed in Chapter 5 of the City of Sugar Land Development Code. Ultimately the City Council has the authority to approve or deny them, pursuant to the Commission's recommendation. The Commission's recommendation will be based on the finding of whether the proposal generally complies 1) with the City's subdivision regulations relative to Land Plans, and 2) with the duly adopted Comprehensive Plan, including the Land Use Plan, Thoroughfare Plan, and all applicable master plans. An analysis of these regulations and plans follows in the attached staff report.

Over the past nine months, the staff has reviewed several iterations of the General Plan application, including the associated traffic and drainage studies as well as major utility concepts. The Traffic Impact analysis was recently concluded, with the exception of a remaining issue regarding the Ulrich right-of-way width. The land use and drainage concepts, with some exceptions, have received general staff concurrence. The exceptions are incorporated as conditions into our recommendations.

When the General Plan is approved, it will be the map that we will compare future rezoning and subdivision requests (as we do with Telfair and Lake Pointe, for example). We will also compare pending development requests with the broad concepts as communicated by the developer as his intent to show compliance with the City's Comprehensive Plan. These concepts are taken from the applicant's "statement of intent", which was originally submitted to support and provide specific zoning standards for a PD rezoning.

Table includes the concepts that are up for consideration with the General Plan.

Table 1 – Excerpts from applicant's statement of intent applicable to the General Plan approval

- 1) The next step in development is through the Planned Development District (PD) zoning process
- 2) The Imperial Char house, a warehouse, and the water tower will be preserved and rehabilitated to set a historic theme to the mixed use commercial/residential area
- 3) The residential uses in the mixed use area will be of superior quality that is further detailed through the PD process
- 4) The perimeter of the mixed use area across from existing single family development contains a buffer with height, landscaping, and use details further determined through the PD process
- 5) The "TN" higher density single family areas will also be of superior quality that is further detailed through the PD process
- 6) The perimeter of the "TN" area across from existing single family development contains a buffer with height, landscaping, and use details further determined through the PD process
- 7) Oyster Creek will be enhanced to be an amenity for the development
- 8) Future interconnected trails that serve the development and connect to the City's future trail system
- 9) Highway 6 frontage tracts that accommodate uses that promote balanced, sustainable development in

the City, to include office, limited light industrial, and limited retail uses that support the City and its airport

- 10) The opportunity in the future to implement the City's Thoroughfare Plan to extend University Blvd. north of 90A through the southern end of the property to the future east-west connector

File No. 7748

EXHIBITS

ANALYSIS:

LOCATION:

The property is bounded by State Highway 6, Voss Road, Burney Road, and US 90A to the South. All of the 651 acres have been within the City Limits since annexation in 2005. The current zoning of the property is a combination of Interim Single-Family Residential (R-1), General Industrial (M-2), and General Business (B-2).



I. STANDARD OF REVIEW – SUBDIVISION REGULATIONS:

Major thoroughfare and collector street patterns:

The proposed General Plan reflects compliance with the Thoroughfare Plan, which shows an east-west connector (arterial) extending from Burney Road through to Highway 6. It also shows the future University Boulevard connection from that road south to eventually connect with Highway 90A. The actual rail crossing has yet to be worked out, but the applicant has committed to purchasing the tract, and to continue with his efforts to address the issues that currently prevent the connection. The University Boulevard North Feasibility Study provided for additional detail of the location of those roadways, assumed that the connection to 90A would be a long term project, and provided additional detail regarding the design of the intersection at Burney Road to discourage south-bound movements. The General Plan shows compliance with the City's adopted policies regarding major roadways.

Land Use:

See Land Use Plan discussion, below.

Environmental issues:

Parkland

Section B. requires submittal to the Parks Director for a recommendation prior to that of the Commission. Based on preliminary calculations, the contemplated density of roughly 1650 dwelling units would result in approximately 15 acres of parkland dedication required.

The General Plan includes substantial future public and private parks and other open space amenities. The concept includes utilization of Oyster Creek as an open space amenity with trails connecting to the City's future trail system, a 39 acre wetland area that is proposed to remain undeveloped, and significant acreage devoted to open space for floodplain mitigation. In all, there are 253.6 acres shown as either greenspace or waterways.

The Parks Director has reviewed the General Plan and believes the layout is in compliance with the Parks, Recreation, and Open Space Master Plan. This opinion stems from the department's focus on a passive and possible active use park in the northern 78 wetland and acres, the opportunity to expand Mayfield Park, and the trail concept along Oyster Creek.

There are several details and concerns that will need to be addressed either through the pending development processes or through the Development Agreement. These include the following:

- 1) Street access to the northern wetland and floodplain area
- 2) Future utility (water and wastewater) availability to that area
- 3) Actual breakdown of acreage for public, private, and semi-public parkland

Drainage

The City Engineer's office has concurred with the general drainage study, which made assumptions regarding floodplain mitigate and detention. That office has given concurrence, with specific conditions

that will need to be addressed in the future, such as a formal Letter of Map Revision process, additional hydraulic studies, and addressing the future Ditch H expansion.

Comprehensive Plan:

See next section (Standard of Review II- Comprehensive Plan)

Property's relationship to adjoining subdivisions or properties:

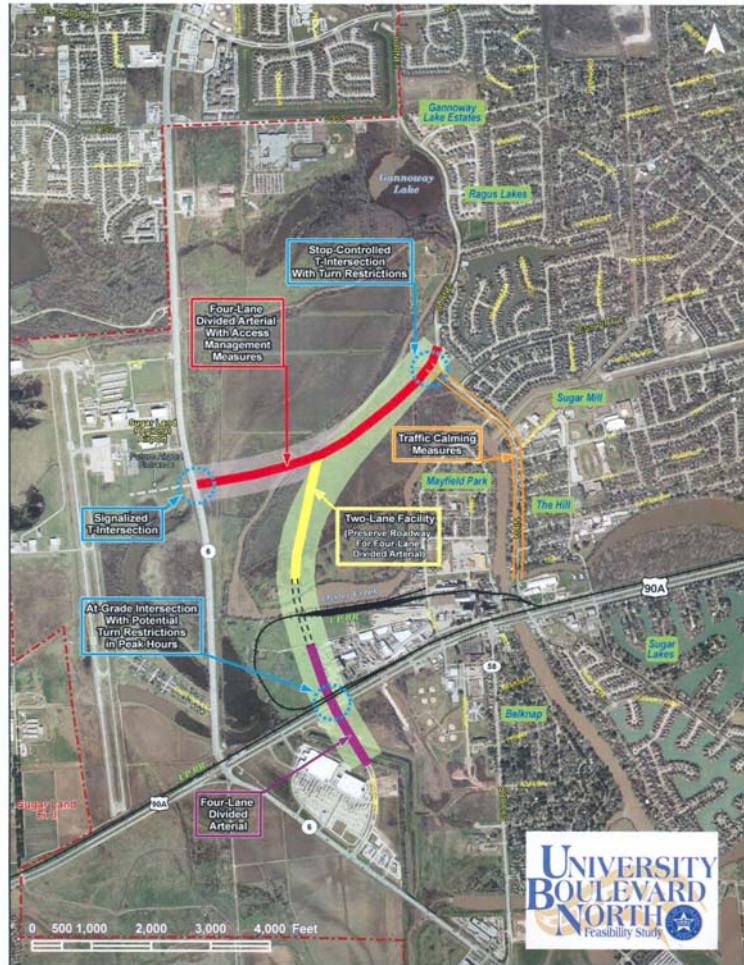
Residential protection

The property is located immediately across Highway from the Sugar Land Regional Airport and Cullinan Park. A TXDot facility, Kempner High School, and City parkland abut the site to the north. There is single family development all along the property's east side, with established single family neighborhoods beyond Burney Road. Nalco abuts the property to the south. All of these properties will be impacted by the development of this property. A sound approach to transitions and buffering are therefore necessary. The development of the tracts under a PD zoning approach is the best way to assure public concerns are adequately addressed.

Traffic Impact Analysis

The focus of Staff's review of the Traffic Impact analysis was to compare the proposed layout of the roadways with the Thoroughfare Plan and with the University North Feasibility Study. As with other developments and in response to public input regarding traffic impacts, the goal is to allow the least amount of impact to existing neighborhoods, and to require developer mitigation of negative impacts that decrease service levels below those set by ordinance. The staff has worked with the applicant to address general impacts, and it appears that the concepts shown in the General Plan can be mitigated to acceptable levels with one exception regarding the right-of-way width of Ulrich from SH 90A to the future extension of Ulrich. The actual design of these mitigating roadway improvements will occur in phases as the subdivision sections are installed in the future, and more detailed studies and improvements will be finalized with subdivision plats in the future.

Recommended Transportation Improvements



II. STANDARD OF REVIEW - THE COMPREHENSIVE PLAN:

CHAPTER 5 (GOALS, OBJECTIVES, AND STRATEGIES)

The following goals from Chapter 5 of the Comprehensive Plan of the City of Sugar Land are used to evaluate General Plans:

Goal One / Safe and Beautiful City:

Preserve and enhance a beautiful city that is clean, safe, and aesthetically pleasing; a city that will foster pride and appeal to our citizens, corporate community, and visitors.

Goal Two / Economically Sustainable City:

Promote a vibrant, diversified economy that enhances the quality of services while maintaining a competitive tax rate.

Goal Nine / Parks, Recreation, Leisure, and Open Space:

Provide a park system that meets the total recreation and leisure needs of the community. Identify, protect, and preserve open spaces and critical natural areas.

Goal Eleven / Historic Preservation:

Preserve, protect, and enhance natural, historical, cultural, and architectural features.

Goal Thirteen / Planning for the Future:

Continue to refine and expand the vision of Sugar Land as a dynamic guide for the future.

The Goals of Chapter 5 of the Comprehensive Plan listed above provide the framework for decision-making. The Tract 3 General Plan appears to be in conformance with these goals.

CHAPTER 6 (DESIGN GUIDELINES AND LAND USE PLAN)

As discussed with the Commission at the workshop on April 10, 2007, the Tract 3 area was evaluated as a specific study area in Chapter 6 (Land Use Plan), and conformance to the Land Use Plan is a critical element of General Plan approval. The overall design of the proposed Tract 3 General Plan has been evaluated by staff as to Chapter 6 criteria. The following chart is provided to layout the key acreages and land uses proposed in the General Plan compared with the ratios

PROPOSED TRACT 3 GENERAL PLAN (April 2007)

Land Uses:	Approximate Acreage	Land Use Plan ratios:
Residential Single Family Detached- (LVI)	133 (37%)*	46% (Decrease of roughly 30%)
Residential -Traditional Neighborhood Development	104 (30%)*	18% (Increase of roughly 45%)
Commercial Retail	26.7 (6%)*	7%
Business / Office Park (labeled BUS and BUS/RES)	58 (15%)*	18% (Decrease of roughly 25%)
Mixed Use Res./ Retail (MU1, 2, & 3)	46 (12%)*	11%
OPEN SPACE AREAS- Neighborhood Parks, Rec., Landscape Easements, Drainage, Lakes	Shown as 253.6 (41%)	32% (Increase of roughly 25%)
Total Acreage: (approx.)	651.0 plus 70.4	721.4

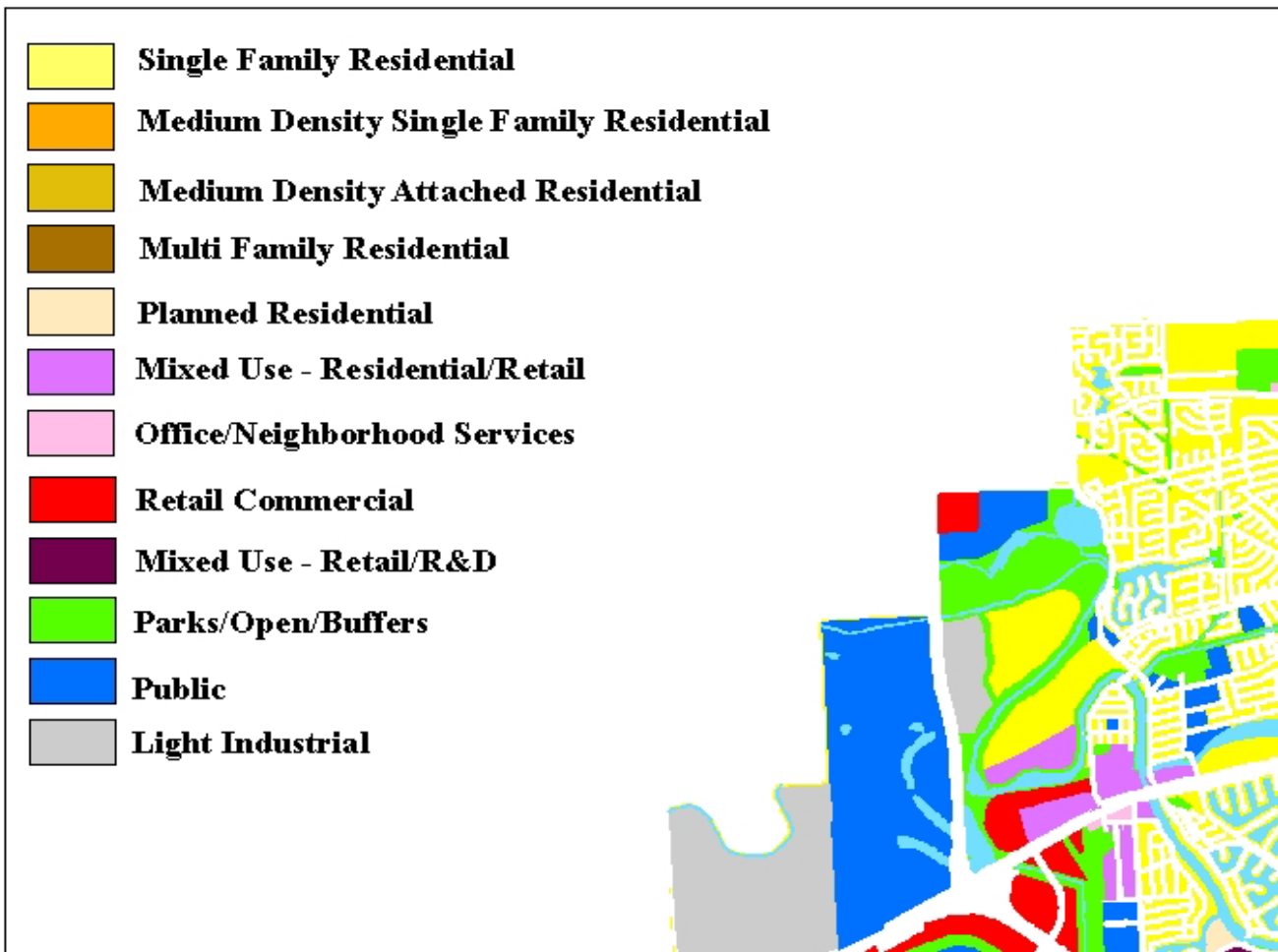
*** Adjusted for major road right-of-way and netting out open space**

The above table shows that for the most part, the land uses shown on the General Plan are proportional to the Land Use Plan. There are more physical constraints on the property than were anticipated during the Land Use Plan adoption process.

The major difference between the Land Use Plan and the submitted General Plan is in the decrease of the single family and the relative increase in the “TN” higher density single family acreage. This change can be justified if the developer can demonstrate a superior product for the TN area through the pending PD process.

The business uses shown for the Highway 6 frontage tracts assume that none of the acreage will be used for residential uses. The applicant is showing a mix of residential and business uses for one of the two business tracts, limiting residential to the second story and above.

EXCERPTS FROM THE LAND USE PLAN MAP AND CHAPTER TEXT



LAND USE PLAN - AREAS 4A, 4B, AND 5

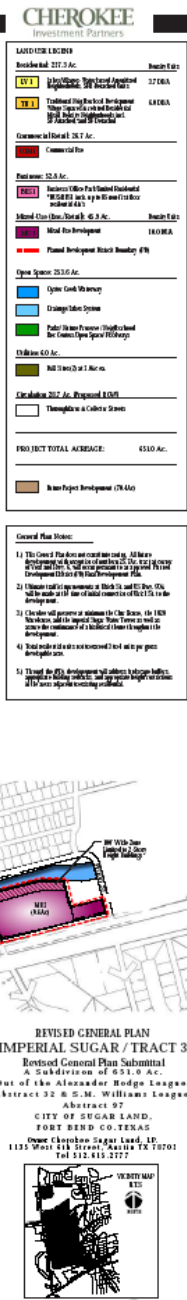
Recommendation

The Planning and Zoning Commission's Scenario involves a mix of future residential retail use on the Imperial site, Nalco site (for future redevelopment should the use be abandoned), and the creek frontage north of Oyster Creek to allow for a transition into the single family residential uses to the north and to allow creative redevelopment of the Imperial site and vicinity. The single family residential would continue north of the Burney Road Bypass and Oyster Creek, with light industrial uses along the Highway 6 frontage. There is an opportunity to create a new zoning district that lists the City's target industries and incorporates buffering and design standards. This option should be studied and pursued prior to development of any commercial or economic development uses. Three tracts of retail commercial are shown on Highway 6 at the Voss, Burney Road Bypass, and Highway 90A intersections. More flexible residential uses would only be entertained in some areas if a proposed development is processed through the PD district and is beneficial to the community. The gross density for any residential area, inclusive of the buffers, should remain between 3 and 4 dwelling units per acre, which is the average gross density of the conventional suburban single family areas of the City. This scenario also shows a significant amount of green space over the areas that are likely to be wetlands, along Oyster Creek to allow for future trails, and in buffer areas to allow for transitions between land uses.

Other Recommendations Include:

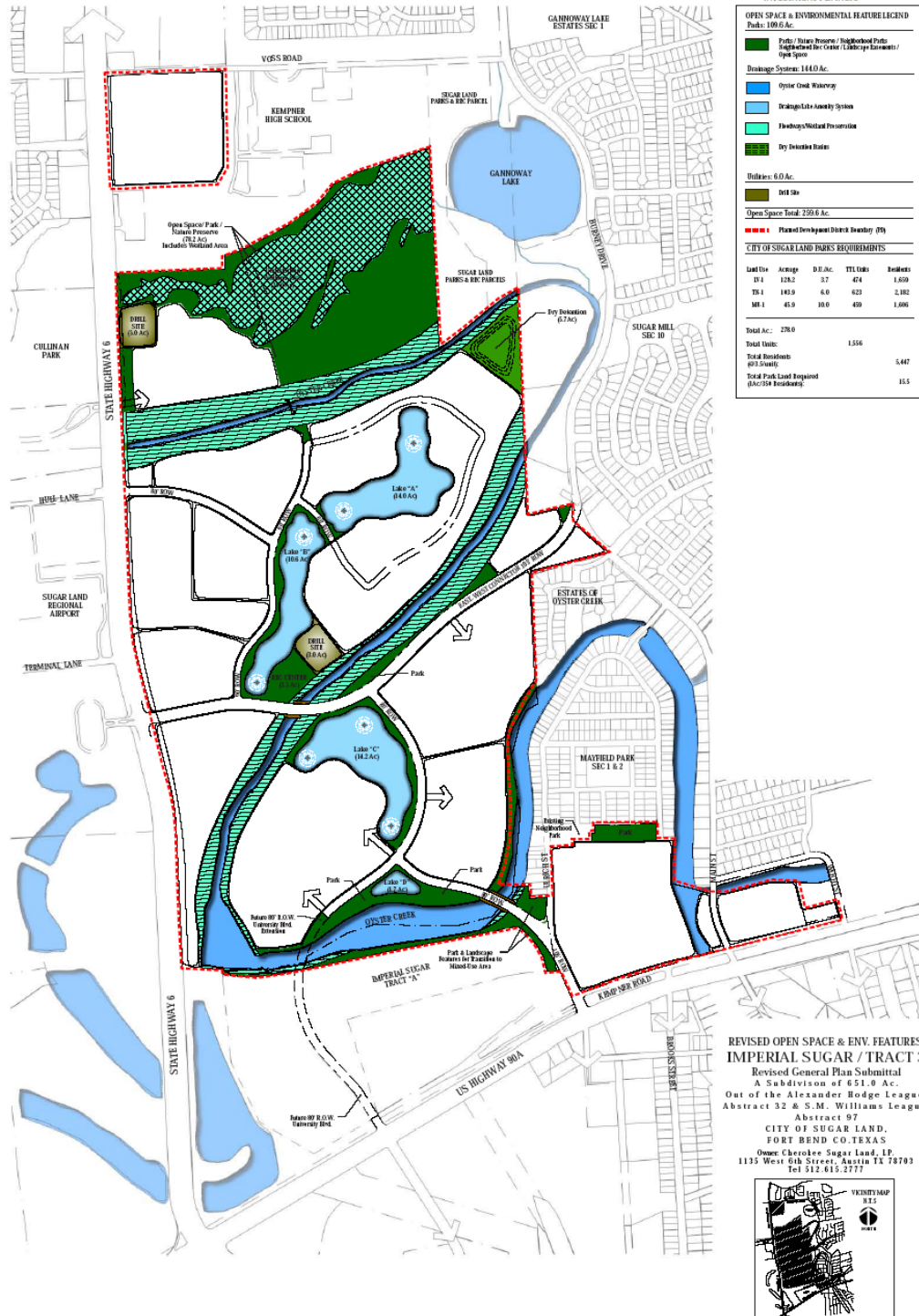
- Continue to pursue options to retain the western half of Gannoway Lakes and explore options for surrounding areas through the Parks Master Plan update.
- As a part of the Parks Master Plan update, study the potential for implementing a trail system along Oyster Creek.
- Any public/private partnerships that will preserve the Imperial buildings and rehabilitate them through adaptive reuse will be supported.

CHEROKEE
Insurance of Distinction



Draft Open Space and Environmental Features Plan

CHEROKEE
Investment Partners



APRIL 16, 2007

The information shown is based on the best information available and has not been given final approval by city or county authorities. Thus the information is subject to change without notice.